



August 2, 1999

Ms. Peg Liedtke
Executive Secretary
Court Reporter Certification Board
P.O. Box 12131
Austin, Texas 78711-3131

OR99-2162

Dear Ms. Liedtke:

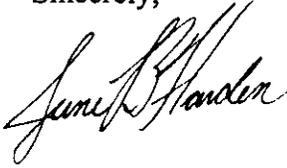
You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 126593.

The Court Reporter's Certification Board (the "board") received a request for "Sandra Halsey's response to the allegations of Jerry Callaway and any other recent filings." You contend that the requested information is excepted from required public disclosure pursuant to section 552.103 of the Government Code.

To secure the protection of section 552.103, a governmental body must demonstrate that the requested information relates to pending or reasonably anticipated litigation to which the governmental body is a party. *University of Tex. Law Sch. v. Texas Legal Found.*, 958 S.W.2d 479 (Tex. App.--Austin 1997, no pet.); Open Records Decision No. 588 at 1 (1991). This exception does not apply, however, once all parties to the litigation have gained access to the information at issue. Open Records Decision Nos. 349 (1982), 320 (1982); *see also* Open Records Letter No. 98-2238 (1998) (letter ruling addressed to board). It appears to this office that all of the requested information has been shared between the parties to the hearing. Assuming such is the case, we conclude that the board may not withhold any of the requested records pursuant to section 552.103. Because you have raised no other exception to required public disclosure, the board must release the requested records.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "June B. Harden". The signature is written in a cursive style with a large initial "J" and "H".

June B. Harden
Assistant Attorney General
Open Records Division

JBH/RWP/nc

Ref: ID# 126593

Encl: Submitted documents

cc: Ms. Mary Doclar
Dallas Bureau Staff Writer
Star-Telegram
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(w/o enclosures)